

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

R. ALEXANDER ACOSTA,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF
LABOR,

Plaintiff,

v.

FOX BINDERY, INC. a/k/a FOX GROUP, a
corporation; HENRY J. FOX, individually, and
as President and/or owner of FOX BINDERY,
INC.;

Defendants.

Civil Action No. 2:17-cv-0517

**UNOPPOSED MOTION TO REOPEN AND TO APPROVE AND
ENTER CONSENT JUDGMENT OF DEFENDANTS**

The Secretary of Labor hereby moves this Court to reopen the above-captioned matter and to approve and enter the Consent Judgment of Fox Bindery, Inc. and Henry J. Fox, as agreed to by the parties. The Secretary represents that the parties have reached an agreement for the purpose of settling the above-referenced matter. The terms of this agreement are set forth in Consent Judgment attached hereto as Exhibit 1, which has been signed by Defendants.

The Court, by Order entered August 15, 2018, dismissed this case pursuant to Local Rule of Civil Procedure 41.1(b). That rule provides that “any such order of dismissal may be vacated, modified, or stricken from the record, for cause shown, upon the application of any party served within ninety (90) days of the entry of such order of dismissal....” Loc. Civ. R. 41.1(b). There is good cause to reopen this matter because the Complaint sought, and Defendants have agreed to, injunctive relief under Section 17 of the Fair Labor Standards Act, 29 U.S.C. §201, et seq. Such relief is a material element of the terms of the settlement, and can be provided only through

a court order. 29 U.S.C. §217 (giving district courts exclusive authority to restrain violations of the FLSA). Furthermore, the parties, upon extensive negotiations with the facilitation of a Magistrate Judge, agreed to resolve this matter through a consent judgment approved by this Court. Thus, reopening the matter so that this Court can review and approve the agreed-upon consent judgment is necessary to the full and fair resolution of this case. Counsel for the Secretary has consulted with counsel for Defendants and they do not oppose this motion.

WHEREFORE, for the reasons set forth above, the Secretary respectfully requests that the Court reopen the above-captioned matter and enter the Consent Judgment attached hereto.

Respectfully submitted,

Kate S. O'Scannalin
Solicitor of Labor

Oscar L. Hampton III
Regional Solicitor

Adam F. Welsh
Regional Counsel for Wage Hour

/s/ Jordana L. Greenwald
Jordana L. Greenwald
PA ID# 93836
Office of the Solicitor, Region III
Suite 630 East, The Curtis Center
170 South Independence Mall West
Philadelphia, PA 19106-3306
(215) 861-5129 (Phone)
(215) 861-5162 (Fax)
greenwald.jordana@dol.gov

U.S. DEPARTMENT OF LABOR
Attorneys for Plaintiff